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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Douglas Campbell Raleigh,

7 Plaintiff

8 v.

9 United States of America; et al.,

10 Defendants

Case No. 2:25-cv-00402-JAD-DJA

**Order Adopting
Report and Recommendation
and Dismissing Case**

11 On July 7, 2025, the magistrate judge entered this report and recommendation [ECF No. 4]:

12 On May 2, 2025, the Court ordered *pro se* Plaintiff Douglas Campbell Raleigh to pay the
13 filing fee or apply to proceed *in forma pauperis* (which means to proceed without paying the
14 filing fee). (ECF No. 3). In that order, the Court gave Plaintiff until June 2, 2025, to either pay
15 the filing fee or apply to proceed *in forma pauperis*. The Court informed Plaintiff that “if
16 Plaintiff does not file a fully complete application to proceed *in forma pauperis* or pay the full
17 \$405 filing fee for a civil action along with a complaint on one of this Court’s approved forms on
18 or before **June 2, 2025**, the Court will recommend dismissal of this action.” (*Id.*) (emphasis in
19 original). To date, Plaintiff has neither paid the filing fee, nor applied to proceed *in forma*
20 *pauperis*, nor filed anything else on the docket. So, the Court recommends dismissal of this case
21 without prejudice. A dismissal without prejudice allows Plaintiff to refile a case with the Court,
22 under a new case number.

23 Federal Rule of Civil Procedure 41(b) permits dismissal of an action for the failure to
24 prosecute or comply with rules or a court order. Fed. R. Civ. P. 41(b). In considering whether to
25 dismiss an action under Rule 41(b), courts consider: (1) the public’s interest in expeditious
26 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
27 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
28 availability of less drastic sanctions. *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1998).

1 Here, because Plaintiff has not complied with the Court's order or taken any action in this
2 case since March of 2025, the Court recommends dismissal of Plaintiff's case without prejudice.
3 See Fed. R. Civ. P. 41(b); see LR¹ IA 11-8(e) (providing that the Court may, after notice and an
4 opportunity to be heard, impose any and all appropriate sanctions on a party who fails to comply
5 with any order); see *Pac. Harbor Capital, Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118
6 (9th Cir. 2000) ("an opportunity to be heard does not require an oral or evidentiary hearing on the
7 issue...[t]he opportunity to brief the issue fully satisfies due process requirements"). The first
8 factor weighs in favor of dismissal because the public has an interest in expeditious resolution of
9 litigation and Plaintiff's failure to further participate in this lawsuit impedes this goal. The
10 second factor weighs in favor of dismissal because the Court's need to manage its docket is
11 thwarted by Plaintiff's failure to prosecute his own action and to comply with this Court's order.
12 The third factor weighs in favor of dismissal because the longer this case is carried on, the more
13 difficult it will be for Defendants to defend against it because witnesses' memories will fade and
14 evidence may be lost. The fourth factor weighs in favor of Plaintiff, but does not outweigh the
15 other factors. Fifth, lesser sanctions are not available if Plaintiff will not comply with Court
16 orders. So, the Court recommends dismissing this case without prejudice.

17 18 **ORDER**

19 **IT IS ORDERED** that the Clerk of Court is kindly directed to send Plaintiff a copy of
20 this report and recommendation.


21 **RECOMMENDATION**

22 **IT IS RECOMMENDED** that this case be **dismissed without prejudice**.
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27 ¹ This refers to the Local Rules of Practice for the United States District Court, District of
28 Nevada, which can be found on the Court's website at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/>.

ORDER ADOPTING REPORT AND RECOMMENDATION

The deadline for any party to object to this recommendation was July 21, 2025, and no party filed anything or asked to extend the deadline to do so. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the report and recommendation, I find good cause to adopt it, and I do. IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation [ECF No. 4] is **ADOPTED** in its entirety, and **this case is DISMISSED** without prejudice. **The Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.**



U.S. District Judge Jennifer A. Dorsey
Dated: July 28, 2025